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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,565	06/29/2001	Yoshiyuki Seki	2019.004	7968

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EXAMINER
HO, THOMAS Y

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/896,565	Applicant(s) SEKI ET AL.	
	Examiner Thomas Y Ho	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

Content of Specification

(a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.

The title is objected to because it exceeds the seven-word limit. The following title is suggested: --Lid Lock With Safety Release--, or any title of the like.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 7, applicant recites "...releases the latch from the latch..." (Ln.21-22). It is clear that either the first latch or second latch should be changed to --catch--. However, it is unclear whether the phrase should read --releases the catch from the latch-- or --releases the latch from the catch--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 7, 9, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Peters (US 4438964).

As to claim 1, Peters discloses a latch for a lid (door) that opens and closes a box (interior of a car), wherein one of the box and the lid is a first part and the other is a second part, the latch comprising:

- A latch (22) provided on the first part, wherein the latch engages a catch (16), which is on the second part, to prevent the lid from opening when the lid is closed (Col.2, Ln.7-14).
- A holding member (26), which moves between a locking position and an unlocking position, wherein the holding member (26) engages the latch (22) at the locking position and is disengaged from the latch (22) at the unlocking position (Col.3, Ln.10-20).
- A first manipulator (32) for opening the lid from an outer side of the box when the lid is closed, wherein the first manipulator (32) moves the holding member (26) from the locking position to the unlocking position (Col.4, Ln.14-20).

- A second manipulator (147) for opening the lid from an inner side of the box when the lid is closed, wherein the second manipulator (147) moves the holding member (26) from the locking position to the unlocking position (Col.4, Ln.30-40).

As to claim 3, Peters discloses a latch further comprising:

- A key lock mechanism (36), which shifts the holding member (26), by an externally manipulated key, between an operational position, at which movement of the holding member (26) by the first manipulator (32) is enabled, and a non-operational position, at which movement of the holding member (26) by the first manipulator (32) is disabled (Col.2, Ln.24-25).

As to claim 7, Peters discloses a latch for a lid (door) that opens and closes a box (interior of a car), the latch comprising:

- A catch (16) extending from an inner surface of the box (Col.2, Ln.7-14).
- A latch (22) provided on the lid, wherein the latch engages the catch (16) to prevent the lid from opening when the lid is closed (Col.2, Ln.7-14).
- A holding member (26), which moves between a locking position and an unlocking position, wherein the holding member (26) keeps the latch (22) engaged with the catch (16) when located at the locking position and releases the latch (22) from the catch (26) when located at the unlocking position (Col.3, Ln.10-20).
- A first manipulator (32) for opening the lid from an outer side of the box when the lid is closed, wherein the first manipulator (32) moves the holding member (26) from the locking position to the unlocking position (Col.4, Ln.14-20).

- A second manipulator (147) for opening the lid from an inner side of the box when the lid is closed, wherein the second manipulator (147) moves the holding member (26) from the locking position to the unlocking position (Col.4, Ln.30-40).

As to claim 9, Peters discloses a latch further comprising:

- A key lock mechanism (36), which shifts the holding member (26), by an externally manipulated key, between an operational position, at which movement of the holding member (26) by the first manipulator (32) is enabled, and a non-operational position, at which movement of the holding member (26) by the first manipulator (32) is disabled (Col.2, Ln.24-25).

As to claim 13, Peters discloses a latch for a lid (door) that opens and closes a box (interior of a car), the latch comprising:

- A catch (16) extending from an inner surface of the box (Col.2, Ln.7-14).
- A latch (22) provided on the lid, wherein the latch engages the catch (16) to prevent the lid from opening when the lid is closed (Col.2, Ln.7-14).
- A holding member (26), which moves between a locking position and an unlocking position, wherein the holding member (26) keeps the latch (22) engaged with the catch (16) when located at the locking position and releases the catch (22) from the latch (26) when located at the unlocking position (Col.3, Ln.10-20).
- A first manipulator (32) for opening the lid from an outer side of the box when the lid is closed, wherein the first manipulator (32) moves the holding member (26) from the locking position to the unlocking position (Col.4, Ln.14-20).

- A second manipulator (147) for opening the lid from an inner side of the box when the lid is closed, wherein the second manipulator (147) moves the holding member (26) from the locking position to the unlocking position (Col.4, Ln.30-40).
- A key lock mechanism (36), which shifts the holding member (26), by an externally manipulated key, between an operational position, at which movement of the holding member (26) by the first manipulator (32) is enabled, and a non-operational position, at which movement of the holding member (26) by the first manipulator (32) is disabled (Col.2, Ln.24-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters (US 4438964).

As to claim 2, Peters discloses a latch wherein:

- The second manipulator (147) is fixedly attached with the holding member (26).

Peters fails to disclose or suggest the following limitations:

- The second manipulator is formed integrally with the holding member.

However, case law indicates that one-piece construction, in place of separate elements fastened together, is a design consideration within the skill of the art. In re Kohno, 391 F.2d 959,

157 USPQ 275 (CCPA 1968); In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the second manipulator disclosed by Peters to be formed integrally with the holding member as taught by case law because it is a design consideration within the skill of the art.

As to claim 8, Peters discloses a latch wherein:

- The second manipulator (147) is fixedly attached with the holding member (26).

Peters fails to disclose or suggest the following limitations:

- The second manipulator is formed integrally with the holding member.

However, case law indicates that one-piece construction, in place of separate elements fastened together, is a design consideration within the skill of the art. In re Kohno, 391 F.2d 959, 157 USPQ 275 (CCPA 1968); In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the second manipulator disclosed by Peters to be formed integrally with the holding member as taught by case law because it is a design consideration within the skill of the art.

Claims 4, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters (US 4438964) in view of Tomaszewski (US 5894749).

As to claim 4, Peters discloses a latch comprising:

- A key lock mechanism (36) includes a rotor rotated by a key.

Peters fails to disclose or suggest the following limitations:

- The rotor is connected to the holding member.

However, Tomaszewski discloses a key lock mechanism (12) including a rotor (34) rotated by a key, wherein the rotor (34) is connected by a connection (10) to the holding member

(52) (Col.2, Ln.48-57) because Tomaszewski discloses that it is known to be desirable to operably connect a release pawl of a latch to a key cylinder (Col.1, Ln.53-56). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the key lock mechanism disclosed by Peters to include a connecting part between the rotor and the holding member, as taught by Tomaszewski because it is desirable to do so.

As to claim 10, Peters discloses a latch comprising:

- A key lock mechanism (36) includes a rotor rotated by a key.

Peters fails to disclose or suggest the following limitations:

- The rotor is connected to the holding member.

However, Tomaszewski discloses a key lock mechanism (12) including a rotor (34) rotated by a key, wherein the rotor (34) is connected by a connection (10) to the holding member (52) (Col.2, Ln.48-57) because Tomaszewski discloses that it is known to be desirable to operably connect a release pawl of a latch to a key cylinder (Col.1, Ln.53-56). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the key lock mechanism disclosed by Peters to include a connecting part between the rotor and the holding member, as taught by Tomaszewski because it is desirable to do so.

As to claim 14, Peters discloses a latch comprising:

- A key lock mechanism (36) includes a rotor rotated by a key.

Peters fails to disclose or suggest the following limitations:

- The rotor is connected to the holding member.

However, Tomaszewski discloses a key lock mechanism (12) including a rotor (34) rotated by a key, wherein the rotor (34) is connected by a connection (10) to the holding member

(52) (Col.2, Ln.48-57) because Tomaszewski discloses that it is known to be desirable to operably connect a release pawl of a latch to a key cylinder (Col.1, Ln.53-56). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the key lock mechanism disclosed by Peters to include a connecting part between the rotor and the holding member, as taught by Tomaszewski because it is desirable to do so.

Claim 5, 11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters (US 4438964) in view of Tomaszewski (US 5894749), and further in view of Orr (US 3824817).

As to claim 5, Orr fails to disclose or suggest the following limitations:

- A restricting member for restricting a rotation range of the rotor.

However, Orr discloses a key cylinder (12) having a rotor (70) and restricting members (116, 118) to provide a construction that is limited to left-hand or right-hand rotation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the rotor disclosed by Peters to have restricting members to restrict rotation as taught by Orr in order to limit the rotation to either left-hand or right-hand use.

As to claim 11, Orr fails to disclose or suggest the following limitations:

- A restricting member for restricting a rotation range of the rotor.

However, Orr discloses a key cylinder (12) having a rotor (70) and restricting members (116, 118) to provide a construction that is limited to left-hand or right-hand rotation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the rotor disclosed by Peters to have restricting members to restrict rotation as taught by Orr in order to limit the rotation to either left-hand or right-hand use.

As to claim 15, Orr fails to disclose or suggest the following limitations:

- A restricting member for restricting a rotation range of the rotor.

However, Orr discloses a key cylinder (12) having a rotor (70) and restricting members (116, 118) to provide a construction that is limited to left-hand or right-hand rotation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the rotor disclosed by Peters to have restricting members to restrict rotation as taught by Orr in order to limit the rotation to either left-hand or right-hand use.

Claims 6, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters (US 4438964) in view of Tanimoto (US 5129694).

As to claim 6, Peters fails to disclose or suggest the following limitations:

- A biasing member for forcing the first manipulator toward a home position.

However, Tanimoto discloses a door handle assembly having a biasing member (2) to keep the handle continuously urged in the closed condition (Col.2, Ln.35-37). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the first manipulator (handle) disclosed by Peters to include a biasing member as taught by Tanimoto to keep the handle in closed position and prevent unwanted contact (that could result in injury or damage) with the extended handle.

As to claim 12, Peters fails to disclose or suggest the following limitations:

- A biasing member for forcing the first manipulator toward a home position.

However, Tanimoto discloses a door handle assembly having a biasing member (2) to keep the handle continuously urged in the closed condition (Col.2, Ln.35-37). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the first manipulator (handle) disclosed by Peters to include a biasing member as taught by Tanimoto to

keep the handle in closed position and prevent unwanted contact (that could result in injury or damage) with the extended handle.

As to claim 16, Peters fails to disclose or suggest the following limitations:

- A biasing member for forcing the first manipulator toward a home position.

However, Tanimoto discloses a door handle assembly having a biasing member (2) to keep the handle continuously urged in the closed condition (Col.2, Ln.35-37). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the first manipulator (handle) disclosed by Peters to include a biasing member as taught by Tanimoto to keep the handle in closed position and prevent unwanted contact (that could result in injury or damage) with the extended handle.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5069491 to Weinerman discloses a vehicle door lock.

US 4155233 to Lira discloses a safety release.

US 5152161 to Lee discloses a lock.

US 5445326 to Ferro discloses an emergency trunk interior release latch.

US 5642636 to Mitsui discloses a locking device for trunk lids.

US 6135514 to Kowalewski discloses a trunk lid latch.

US 4962955 to Ferrara discloses a deck lid latch.

US 3992909 to McGhee discloses a safety release for a trunk.

US 6024388 to Tomah discloses an inside trunk lock release.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y. Ho whose email address is thomas.ho@uspto.gov and telephone number is (703) 305-4556. The examiner can normally be reached on M-F 9:30AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-3366.

TYH
July 12, 2002

ROBERT J. SANDY
PRIMARY EXAMINER